

TEXAS GROUNDWATER PROTECTION COMMITTEE
RECORD OF MEETING
Fourth Quarterly Meeting, Fiscal Year 2005

Meeting Date: August 11, 2005
Meeting No.: 65

Place: TCEQ Campus, Building F
Room: 2210

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MEETING HANDOUTS

1. Agenda
2. Public Education and Outreach Subcommittee Report, August 11, 2005
3. SB 286 - Open Government Training Advisory Information
4. SB 286 - Open Meetings Training and Open Records Training, as related to TGPC
5. Text of SB 286
6. Excerpts of the TCEQ Internal Protocol for Notification and Reporting relating to Groundwater Contamination
7. TGPC Rule Log Update on August 11, 2005
8. [Joint Groundwater Monitoring and Contamination Report - 2004](#) - (SFR-056/04. July 2005)
9. [Texas Groundwater Protection Strategy](#) - (TCEQ AS-188, February 2003)
10. Announcement for the 2006 USDA-CSREES National Water Conference
11. Announcement for the Groundwater Foundation Annual Conference
12. Announcement for the 10th Multidisciplinary Conference on Sinkholes & the Engineering & Environmental Impacts of Karst
13. Announcement for a Workshop to Address the Future of Desalination in Texas
14. Announcement for a Brown Bag Talk, USGS, You're Standing On It! Parking Lot Sealcoat and PAH Contamination in Urban Environments.
15. Announcement for the 5th National Monitoring Conference

MEETING RECORD OF August 11, 2005

I. Call to Order and Introductions

Mary Ambrose, Designated Chairman of the Texas Groundwater Protection Committee (TGPC), called the FY2005, Fourth Quarterly Meeting to order at 1:05 p.m., CDT.

II. Subcommittee Reports

Agricultural Chemicals - Joe Peters, TCEQ. The Subcommittee held its FY 2005 fourth quarter meeting on August 11, 2005 at 10:30 a.m.

The members were updated on Task Force (TF) activities:

Site Selection: Janie Hopkins, TWDB, reported for the Site Selection Task Force. TWDB monitoring this year has been hindered due to staff shortage. Sampling in the Gulf Coast will continue into September or October 2005. Next year the TWDB plans to sample in the Carrizo Aquifer.

Educational: Bruce Lesikar, TCE, reported that there were no meetings of the Educational Task Force this past quarter. However Texas Cooperative Extension had some activity with the completion of some educational materials, agent training, and development of guidance documents for education on water quality issues.

Presentation: Alan Cherepon, TCEQ, presented a report on the PMP monitoring activities this year which included cooperative monitoring in the Gulf Coast and Panhandle areas, first trip to conduct Immunoassay monitoring of all pumping PWS wells of Amarillo (71 wells), and second trip to conduct the usual round of follow-up monitoring in the Panhandle, taking samples for both Immunoassay and laboratory analysis. (25 wells)

Under the Subcommittee's Business items: Joe Peters, TCEQ, reported that the FIFRA QAPP was renewed on May 13, 2005. There were two major changes.

There was a discussion on how the BMP educational materials developed by TCE under contract would be used. There were two agent training events conducted by TCE in the Spring. In September the TCE will have their annual planning session, and some producer presentations should be scheduled over the next year. Also the materials have been submitted to TDA for approval of CEU credit for their presentation. Mr. Ed Baker also suggested that the material could be well utilized at Trade Association events.

Steve Musick, TCEQ, reported that the FIFRA and 106 Grants would receive continued funding for the next fiscal year.

EPA Federal Register Notice for Public Comment on an EPA Settlement Agreement Involving 6 Pesticides and the Endangered Species Act, as Related to the Barton Springs Salamander - There was a discussion on the Settlement Agreement between EPA and SOS that requires a study be made on the effects of atrazine in Barton Springs on salamanders. Steve Musick asked the SMP Task force to monitor the activities related to this issue and report back to the subcommittee.

Data Management - Cary Betz, TCEQ. The Data Management Subcommittee did not meet in the last quarter. The subcommittee held a strategy session to determine the best course to proceed on development of recommendations on the design of an ambient groundwater monitoring system for the state that will meet the needs of all TGPC member agencies

Public Education and Outreach - Bruce Lesikar, TEC, Co-Chair. The Subcommittee did not meet during the fourth quarter.

Fact Sheets on Radionuclides, Arsenic, Nitrate/Nitrite, and Perchlorate have been finalized and submitted for publication.

Training guidance document for drinking water issues for use by county agents in their delivery of educational programs. A training session was held in San Angelo on May 9, 2005, for county agents.

Well Plugging Closure Events- Well plugging demonstrations occurred on June 7, 2005 in Nacadoches County; July 20, 2005 in Tom Green County; and July 20, 2005 in Concho County. The Piney Woods Groundwater Conservation District cooperated on the Nacadoches County and the Lipan-Kickapoo Groundwater Conservation District was a cooperator on th Tom Green and Conch County events.

Residential Wastewater Fact Sheets - The Selecting and Permitting fact sheet has been completed and was published in July. The Graywater fact sheet has been submitted for publication.

Priority Groundwater Management Area Fact Sheet- This Fact Sheet is nearing completion. The goal is to have the final draft to the printer by the end of August.

Groundwater Research - Bridget Scanlon, BEG, Co-Chair. The Subcommittee held its FY 2005 fourth quarter meeting on August 11, 2005 at 9:00 a.m.

The Subcommittee discussed white papers that had been previously been submitted to the legislature on desalination, ambient groundwater monitoring, brackish water, collecting data to support the groundwater availability model (GAM) program, and agricultural chemical related topics. These items will be worked on during the next quarter by the Groundwater Research Subcommittee.

Nonpoint Source Task Force - Kevin Wagner, TAES, The Nonpoint Source Task Force did not meet during the last quarter. The Texas Nonpoint Source management plan is due for final approval in September, 2005. EPA has approved it, so final approval through the Governor's office is all that is needed.

III. Presentation

Roundtable Discussion - Each Committee Member Will Discuss Major Groundwater Legislation Passed by the 79th Legislature, and the Affect on Related Activities in Their Respective Agencies

Steve Minick, TCEQ representative, presented a brief overview of the groundwater related Acts. Examples of some of the more significant initiatives approved by the Legislature that impact the agency include:

The Legislature considered Senate Bill 3 — a broad water resource policy proposal that addressed a number of issues, including surface water environmental flows, management of the Edwards aquifer, the operation and authority of groundwater districts, water conservation, and financing of water infrastructure. However, Senate Bill 3 did not pass during the regular session.

HB 2201 creates an incentive for Texas to compete to secure the pilot for the clean coal project.

HB 580 and 2120 gives counties the authority to address certain instances of contamination, spills, or releases of hazardous constituents within their jurisdictions.

HB 2510 provides for the regulation of on-site waste-water treatment systems allowing homeowners to maintain their own systems in exchange for some educational requirements.

HB 265 establishes a new program that allows subsurface waste disposal by a drip dispersal system, thus creating a new category of commercial, industrial, and municipal non-hazardous liquid waste disposal.

SB 343 gives counties the authority to regulate the placement of private water wells in unincorporated areas of the county. This bill addresses the problem of placing water wells to close to the existing on-site waste water treatment facilities.

SB 1297 provides that a person does not commit a criminal offense of discharging used oil into the waters of the state if the concentration of waste oil in the waste stream as it enters the water is less than 15 ppm and the person has a waste water discharge permit.

SB 1354 designates a portion of the Brazos River Basin (Parker and Palo Pinto counties)

within which enhanced permitting requirements and controls would be applied to mining and quarrying operations to assess the impact of more stringent regulations on water quality and preservation of habitat. No quarries are allowed within 200 feet of a water body and a site specific permit is required for quarries within 1500 feet of a water body.

SB 485/HB 1987 extends the Petroleum Storage Tank Reimbursement Program to provide storage tank owners additional opportunity to close leaking tank sites.

HB 2376/SB 444 revises the Dry Cleaner Remediation Program created by the 78th Legislature in 2003

HB 1763 sets forth uniform procedures to be used by groundwater conservation districts regarding the notice and hearings process for both rulemaking hearings and permit application hearings, and clarifies that districts may use Alternative Dispute Resolution procedures.

HB 2423 prohibits groundwater districts from discriminating against landowners whose land is enrolled or participating in a federal conservation program.

Richard Egg, TSSWCB, no new legislation that would affect groundwater issues as related to the TSSWCB.

Barry Miller, TAGD, responsible for proposing HB 1763.

Claren Kotrla, DSHS, no new legislation that would affect groundwater issues as related to the DSHS.

Bridgett Scanlon, BEG, no new legislation that would affect groundwater issues as related to the BEG.

Robert Mace, TDWB, HB 1763 will have a profound effect on groundwater availability determinations in Texas. Also, TWDB was awarded \$600,000 for desalt plants. GAM and Strat Map funds were reduced.

Leslie Savage, RCT, the RCT did not receive general revenue funds to cover enforcement and monitoring of clean ups. Legislation was passed to allow well plugging insurance, but the funds can only be used for plugging a well and not surface cleanup. SB 1130 requires a common carrier, owner, or operator of a pipeline where petroleum-based contamination is discovered to report it to the RCT and the owner of the land. The orphan well program offers incentives to landowners and operators for plugging wells on the orphan well list.

Richard Eyster, TDA, no new legislation that would affect groundwater issues as related to the TDA.

Lee Parham, TDLR, elaborated on SB 343 which gives counties with population of 1.4 million authority over placement of private water wells in unincorporated areas.

Kevin Wagner, TAES, no new legislation that would affect groundwater issues as related to the TAES.

IV. Business - Discussion & Possible Action

Open Meeting and Open Records Training - New Requirements for Committee Members and Designated Representatives - John Williams, TCEQ Legal Services, summarized SB 286, which requires open meetings/open records training for each elected or appointed official who is a member of a governmental body subject to the open meetings/open records act or the public information act. This bill goes into effect January 1, 2006. (Out of agenda order)

Texas Groundwater Protection Strategy- Discuss Strategy Implementation Issues - Frank Fuller, TCEQ, called the committee's attention to chapter 10 of the *Texas Groundwater Protection Strategy (Strategy)*. For the next Committee meeting Frank suggested that each member and sub-committee chair discuss what has been implemented so far and what still needs to be implemented and what are the plans for implementation. Focus will be on the short and medium term goals.

Set Future Meeting Dates

Next meeting: Thursday, November 10, 2005, 1:00 p.m., Room 2210, Building F, TCEQ Campus.

V. Information Exchange for Groundwater Related Activities/Status Update

Status - Water Quality Inventory ("305(b)") Report -2004. Cary Betz, TCEQ. Water Quality Inventory 305(b) Report. Public drinking water records are being included in the report for the first time. The Groundwater section of the report should be completed and ready for submission in late August, 2005. The inventory only has to be posted on the web site (a new requirement) instead of being published.

Status - State NonPoint Source Management Plan Development - Cary Betz, TCEQ. The *Management Plan* was submitted to the *Texas Register* on July 15, 2005 for a 30-day public comment period.

Status - Groundwater Contamination Notice Coordination (HB 3030, 78th Legislature) - Cary Betz briefly summarized the TCEQ Protocol for Notification and Reporting relating to Groundwater Contamination as required by HB 3030. Steve Musick is designated as the state agency contact and Cary Betz is the backup contact. There are plans to meet with all involved agencies to discuss the Protocol and procedures for information exchange.

Status - Water Well Report Files Database Proposal - Cary Betz, TCEQ, summarized a proposal to convert TCEQ water well report files from paper to electronic format. The current preferred approach is to scan the paper images into an electronic format. The TCEQ is currently reviewing potential vendors for the project. The project development will be coordinated with partner agencies TDLR and TWDB.

Joint Groundwater Monitoring and Contamination Report - 2004 - Cary Betz, TCEQ. The report has been published and is ready for distribution. All county judges and public health officials will be sent copies by the end of August, 2005.(out of agenda order)

Regional Water Planning Update - Texas Water Development Board. Robert Mace, TWDB. All of the regions have submitted their initial water plans for internal staff review. The final regional plan should be submitted to the Board by January 1, 2006. The Board will have a year to publish a new state water plan.

Groundwater Availability Modeling (GAM) Update - Texas Water Development Board. Robert Mace, TWDB. Preparing to send out requests for qualifications for new modeling work. The modeling will be for the Dockum, Nacatoch, west Texas bolsons, Edwards-Trinity High Plains, and Ogalalla.

VI. Announcements (All Members)

Rules Update - A summary of the TCEQ rule tracking log was distributed to members. There are five rules summarized in the tracking log that bear interest to the committee. Questions concerning a specific rule should be directed to the Project Manager listed beside the rule.

Mary Ambrose, Chair, briefed the Committee on a meeting of the National Groundwater Monitoring Council. The Council is designing a national water quality monitoring network which will be focused on the coastal waters and would include how groundwater interacts with coastal streams as well as bays and estuaries.

Robert Mace, TWDB, reported that rules regarding HB 1763 will be presented to the Board and then for public comment and hope to have rules in place by the end of the year.

New Publications

TCEQ, SFR-056/04, July 2005, [*Joint Groundwater Monitoring and Contamination Report - 2004.*](#)

Upcoming Conferences

Groundwater Protection Council Annual Forum, September 24-29, 2005, Portland, Oregon.

National Water Quality Monitoring Council, Call for papers for bi-annual meeting in San Jose, California, May 7-11, 2006.

US Geological Survey, lunchtime presentation on PAHs, Austin, Texas, August 24, 2005.

10th Multidisciplinary Conference on Sinkholes & the Engineering & Environmental Impacts of Karst, San Antonio, September 24-28, 2005.

2006 USDA-CSREES National Water Conference, Call for Papers, San Antonio, Texas, February 5-9, 2006

Workshop to Address the Future of Desalination in Texas, Texas A&M University, August 21-23, 2005.

Annual Groundwater Foundation Conference, Nebraska City, Nebraska, November 2-4, 2005.

Robert Mace, TWDB, advisory group meeting August 18, 2005, to discuss Groundwater Availability Modeling.

The TWDB will have its third Aquifers in Texas Series, Corpus Christi, Texas, February, 2006. Emphasis will be on Gulf Coast aquifers.

VII. Public Comment

Janie Hopkins, TWDB, announced a new addition of the Rainwater Harvesting Manual out on their web site.

VIII. Adjourn

Chair, Mary Ambrose, adjourned the meeting at approximately 2:40 p.m., CST.